

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KELLY and SALLY SAMSON, husband
and wife, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

Consolidated Cases Filed Under
Case No. C05-5197RJB

ORDER DISMISSING PLAINTIFFS
ALAN AND MAUREEN WEISS
FOR FAILURE TO PROSECUTE

ALAN and MAUREEN WEISS, husband
and wife,

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

[Case No. C05-5198RJB]

MARY LAMPSON,

Plaintiff,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

[Case No. C05-5199RJB]

ROBERT and JO ANNE HACKER, husband
and wife,

[Case No. C05-5201RJB]

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

CHARLES AND SARAH KUHN, husband
and wife,

[Case No. C05-5202RJB]

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

JOHN L. and CAROLE D. SUTHERLAND,
husband and wife,

[Case No. C05-5203RJB]

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

THOMAS E. MORGAN III, and BETH
BRYSON MORGAN, husband and wife,
THOMAS E. MORGAN CHILDREN'S
TRUST; BLAKELY ROCK HOLDINGS
LLC,

[Case No. C05-5204RJB]

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

1 A. GARY and BARBARA J. AMES,
2 husband and wife, and A. GARY AND
BARBARA J. AMES LIVING TRUST,

3 Plaintiffs,

4 v.

5 CITY OF BAINBRIDGE ISLAND,

6 Defendant.

[Case No. C05-5205RJB]

7 MARC D and TRINA LAROCHE, husband
8 and wife, and BLAKELY PROPERTIES,
LLC,

9 Plaintiffs,

10 v.

11 CITY OF BAINBRIDGE ISLAND,

12 Defendant.

[Case No. C05-5206RJB]

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15 This matter comes before the Court *sue sponte* on review of the case file. The file
16 indicates that Plaintiffs Alan and Maureen Weiss did not participate in the Joint Status Report
17 (Dkt. 29) filed on November 14, 2005. Further, Plaintiffs Alan and Maureen Weiss did not
18 respond to an Order to Show Cause, issued by the Court on December 1, 2005. Dkt. 31. The
19 Court has considered the pleadings filed in this matter and the file within.

20 PROCEDURAL HISTORY

21 Nine actions against the City of Bainbridge Island have been consolidated under Case
22 No. 05-5197, pursuant to the Court's order on October 20, 2005. Dkt. 16. Initially, all nine
23 Plaintiffs were represented by the law firm of Davis Wright Tremaine LLP. On September 9,
24 2005, the Court permitted Davis Wright Tremaine LLP to withdraw as counsel for Plaintiffs
25 Alan and Maureen Weiss. Case No. 05-5198, Dkt. 13. The Weisses are currently *pro se* in this
26 matter.

1 On August 30, 2005, the Court ordered the parties to draft and file a Joint Status Report
2 by November 14, 2005. Case No. 05-5198, Dkt. 10. On November 14, 2005, all parties, except
3 for Alan and Maureen Weiss, filed a Joint Status Report. Dkt. 29. In the report, the parties
4 contend the following:

5 The Weisses have failed to respond to any of several efforts to communicate with
6 them about this case, including (a) an email dated Monday, October 31, 2005,
7 from Mr. Middleton to the Weisses attaching a draft joint status report and
8 discovery plan; (b) email and FedEx service Monday, October 31, 2005, of the
9 Joint Motion re Joint Status Report & Discovery Plan; (c) an email dated
November 11, 2005, from Mr. Middleton to the Weisses attaching a revised
version of the draft joint status report and discovery plan; and (d) an email dated
November 11, 2005, from Ms. Croll to the Weisses regarding Rule 26 disclosure
obligations. The parties also understand that the court has been unable to
communicate with the Weisses.

10 *Id.* at 5. The Court has not received any correspondence or filings from Plaintiffs Alan and
11 Maureen Weiss since September 9, 2005, when they became *pro se* in this matter.

12 On December 1, 2005, the Court issued an Order to Show Cause (Dkt. 31), directing
13 Plaintiffs Alan and Maureen Weiss to show cause, if any they may have, in writing with the
14 Court no later than December 14, 2005, why this case should not be dismissed for failure to
15 prosecute and failure to obey the orders of the Court. In the Order to Show Cause, Plaintiffs
16 were informed that their claims may be dismissed without further notice if they fail to respond.

17 *Id.* at 2. Plaintiffs have failed to respond.

18 ORDER

19 Therefore, it is hereby

20 **ORDERED** that all claims filed by Plaintiffs Alan and Maureen Weiss in this matter are
21 **DISMISSED** with prejudice for failure to prosecute and failure to obey the orders of the Court.

1 The Clerk of the Court is instructed to send uncertified copies of this Order to all
2 counsel of record and to any party appearing pro se at said party's last known address.

3 DATED this 16th day of December, 2005.

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5 Robert J. Bryan
6 United States District Judge
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